

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR MANUEL PEREZ PEREZ,

Petitioner,

v.

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, et al.,

Respondents.

25-CV-3178 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Petitioner Victor Manuel Perez Perez, proceeding *pro se*, brings this action against various federal, state, and municipal agencies. In two separate Petitions, *see* ECF Nos. 6, 7, he seeks writs of mandamus compelling the adjudication of (1) his application for legal permanent resident status; and (2) his application for a commercial driver's license. The Court is mindful that a *pro se* litigant's submissions are to be "construed liberally and interpreted 'to raise the strongest arguments that they suggest.'" *Restea v. Brown Harris Stevens LLC*, No. 17-CV-4801, 2018 WL 3435060, at *1 (S.D.N.Y. July 16, 2018) (quoting *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)). Nonetheless, the Court "has the power to dismiss a complaint *sua sponte* for failure to state a claim so long as the plaintiff is given notice and an opportunity to be heard." *Wachtler v. Cnty. of Herkimer*, 35 F.3d 77, 82 (2d Cir. 1994) (citations omitted).

"[F]ederal courts may not issue writs of mandamus against state officials." *Disability Rts. New York v. City of New York*, No. 22-CV-04493, 2023 WL 6308574, at *6 (S.D.N.Y. Sept. 28, 2023). The Court therefore intends to dismiss the following Respondents from this action, which seeks only mandamus relief: "New York State Department of Transportation," "New York State Department of Motors Vehicle," "Commissioner of the Department of NYC DMV," "State of New Jersey," "State of New Jersey Department of Motor Vehicles," "NYC Criminal Court in Queens," and "Sadle River Municipal Court" (collectively, the "State and Municipal Respondents"). Additionally, the Petitions lack allegations against the United

States Department of Justice and the United States Department of Transportation, and the Court thus intends to dismiss those Respondents from this action as well. Accordingly, the remaining Respondents in this action will include only the United States Department of Homeland Security and United States Citizenship and Immigration Services.¹

The Court will, however, permit Mr. Perez to be heard with respect to the above before it dismisses any Respondents from this action. No later than July 14, 2025, Mr. Perez shall submit a letter explaining why the Court should not dismiss the United States Department of Justice, the United States Department of Transportation, and the State and Municipal Respondents from this case. Alternatively, if Mr. Perez wishes to proceed expeditiously, he may file an amended petition that names only the United States Department of Homeland Security and United States Citizenship and Immigration Services as respondents.

Mr. Perez is again reminded that he may consult with the City Bar Justice Center's clinic for *pro se* litigants (<https://www.citybarjusticecenter.org/projects/federal-pro-selegal-assistance-project>; (212) 382-4794).

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Perez.

SO ORDERED.

Dated: July 1, 2025
New York, New York



RONNIE ABRAMS
United States District Judge

¹ The Court assumes that Mr. Perez intended to bring this action against these agencies, and that the names used in the Petition's caption are typographical errors.